Division Bench

CF 1202

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IN THE HIG COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 7155 OF 2006

PETITIONER

Shree Nakoda Ispat Limited A Limited Company incorporated Under Company's Act having its Office near Railway Crossing Mowa, Raipur (CG) through Its Manager (P&A) Shri Rajendra Tiwari, S/o Shri B N Tiwari, Aged about 31 years, Authorized Signatory of Shree Nakoda Ispat Ltd., Raipur (Chhattisgarh)

P.R. No. 2267/6
Presented by Shri Gupta
dated 12/12/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Secretary, Department of Energy, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. Chief Electrical Inspector Government of Chhattisgarh, 36/347, Ist floor, Bairen Bazar, Raipur (Chhattisgarh)

3. Chhattisgarh State Electricity Board, Sundar Nagar, P. O. Dangania, Raipur (Chhattisgarh), through its Secretary.

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WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION AND ANY OTHER APPROPRIATE DIRECTIONS / ORDERS

HIGH COURT OF JUDICATURE CHHATTISGARH:

BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, C.J.
AND HON'BLE SHRI DHIRENDRA MISHRA, J

WRIT PETITION No. 7155 OF 2006

PETITIONER : Shree Nakoda Ispat Limited

Versus

RESPONDENTS : State of Chhattisgarh and others

Present: Shri Manindra Shrivastava, Sr. Advocate with Shri Afroj Khan, Advocate, for the petitioner.

Shri Prashant Mishra, Addl. Advocate General for respondents No. 1 and 2/State.

Shri A.S. Gaharwar, standing counsel for respondent No. 3.

ORAL ORDER
(12-2-2007)

The following oral order of the Court was passed by H.L. Dattu, C.J.

The petitioner in this writ petition filed under Article 226 of the Constitution of India seeks for the following reliefs:-

1. To declare Section 2(2) of the Chhattisgarh Amendment Act, 2004 inserting Section 3(1-a) in the Chhattisgarh Act, 1981 as ultra vires and unconstitutional.

2. To issue a writ in the nature of mandamus to the respondents forbearing them from levying and collecting Energy Development Cess from the petitioner under Section 3(1-a) of the Chhattisgarh Upkar (Sansodhan) Adhiniyam, 2004.

3. To issue a writ in the nature of certiorari quashing the bills dated 16-11-2005, 16-12-2005, 16-1-2006 to 16-9-2006.

Notice of this petition was issued and it is served on the respondents.

Learned counsel for the parties submit before us that the issue raised in this writ petition is no more debatable in view of the law declared by this Court in Writ Petition No. 2384/2006.

Respectfully following the observations made in the aforesaid writ petition, this petition also requires to be allowed. Accordingly, the following

order

1. Writ petition is allowed in terms of the orders and directions issued by this Court in Writ Petition No. 2384/2006 disposed of on 15-12-2006. Ordered accordingly.

2. In the facts and circumstances of the case, parties are directed to bear their own costs. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dhirendra Mishra
Judge